

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

February 2, 2009

5:30 p.m.

Courthouse

MINUTES:

MEMBERS PRESENT:

Commissioner Jack Black
Commissioner Adam Coggin
Commissioner Gary Farley
Commissioner Jeff Jordan
Commissioner Jeff Phillips
Commissioner Steve Sandlin
Commissioner John Rodgers, C

OTHERS PRESENT:

Ernest Burgess Darrell Scarlett
Georgia Lynch Becky Shelton

Chairman Rodgers presided and called the meeting to order at 5:30 p.m. with all members being present at that time.

MINUTES:

"Commissioner Coggin moved, seconded by Commissioner Phillips, to approve the minutes of the last meeting as mailed. This motion passed unanimously by acclamation."

APPOINTMENT OF JUDICIAL COMMISSIONER:

Chairman Rodgers first advised Judges of the General Sessions and Juvenile Court of Rutherford County have requested appointment of Rhonda Campbell as a judicial commissioner pursuant to the authority contained in Tennessee Public Acts of 1978, Chapter 933, for a term not to exceed four years and such term to conclude and terminate if and when the term is concluded or the service with Rutherford County is terminated. Following discussion,

"Commissioner Black moved, seconded by Commissioner Coggin, to recommend appointment of Rhonda Campbell as judicial commissioner for a term not to exceed four years and such term to conclude and terminate if and when the term is concluded or the service with Rutherford County is terminated. This motion passed unanimously by acclamation."

WHEEL TAX PRIVATE ACT:

Darrell Scarlett of the County Attorney's Office presented a proposed amendment to the Private Acts of 1970, Chapter 329 relative to the motor vehicle privilege tax applicable in Rutherford County. If the amendment is adopted, the Private Act will read substantially like the State statute and allows the Wheel Tax officer to enforce the wheel tax law on any road in the County including within city limits. If approved by the Commission, the amendment will be submitted to the State Legislature for enactment and returned to the Commission for ratification. Following discussion,

"Commissioner Sandlin moved, seconded by Commissioner J. Jordan, to approve the proposed Act to Amend Section One of the Private Acts of 1970, Chapter 329, as amended, Relative to the Motor Vehicle Privilege Tax Applicable in Rutherford County, Tennessee. This motion passed unanimously by acclamation."

WHEEL TAX STATE LAW REVISION:

Darrell Scarlett reminded the Committee of the prior discussion regarding T.C.A. 55-4-105 which provides the Office of the County Clerk "may" look into establishing the residency of persons purchasing car license tags and the discussion to change "may" to "shall". Mr. Scarlett advised in looking at the entire code, he determined the initial requested change would create more problems

than it solved. The code requires the Clerk to determine where the vehicle is based or operated. Another section provides for purchase of a vehicle in another county to require the owner to purchase a county name decal and wheel tax. It would be difficult to

get the statute changed because the car dealer lobby would oppose and want to purchase tags in the County they do business. Also, as to the vehicle base, the owner may live in Rutherford County but the business is based in another county. Mr. Scarlett advised the change before the Committee was relative to renewals which must be purchased in the County of residence of the owner and provided for a penalty one and a half times the wheel tax of the County in which the tag should have been purchased if another County sells the tag to a non-resident of that county. The amendment also requires the Clerk to keep a copy of the purchaser's driver's license for two years. Georgia Lynch, County Clerk, advised it will be difficult to get the amendment passed as she thought the Clerk's Association would be opposed to the driver's license requirement and will not want to have to check.

Commissioner Phillips inquired if someone had a residence in Rutherford County and a lake house in DeKalb County what address would apply. Mr. Scarlett advised whatever address was on the driver's license would rule. Mr. Scarlett advised he had tried to change the statute as little as possible in hopes of getting it passed but could put "primary residence".

Commissioner Phillips inquired if there were a Plan "B" in case the State amendment fails. Mr. Scarlett advised it is already a Class C misdemeanor with a \$50 fine and 30 days if someone buys a tag out of their county of residence. Additionally, if the changes to the Private Act pass this beefs up the Wheel Tax officer's ability to write citations.

Ms. Lynch advised the Committee if someone is registered to vote in Rutherford County then they are required to buy tags here. This would apply to many MTSU students.

Mr. Scarlett advised there is currently no penalty on the Clerk that sells tags to out of county residents as the penalty is on the offending resident. The proposed change puts a penalty on the offending Clerk as well.

Commissioner Farley advised the school system requires proof of residency with a utility bill and wondered why they couldn't ask for a vehicle registration. Ms. Lynch advised she spoke with Harry Gill who advised he would think about it as some teachers live out of county but their children are allowed to attend Rutherford County schools. Following discussion,

"Commissioner Phillips moved, seconded by Commissioner Farley, to approve the proposed amendment to T.C.A. 55-4-105(a)(2) and forward the same to the Commission with a positive recommendation. This motion passed unanimously by acclamation."

"Commissioner Farley moved, seconded by Commissioner Sandlin, to forward a request to the Health & Education Committee for a Resolution to the School Board requiring a copy of a vehicle registration as part of proof of residency upon enrollment of any student in a school with a copy of said Resolution to the City of Murfreesboro School Board with a request to assist. This motion passed unanimously by acclamation."

Chairman Rodgers next inquired if there were any assistance available from the City or equipment needed for the wheel tax officer's car. Ms. Lynch advised Mr. Smith previously had access to a State computer in his car where he could check tags from his vehicle without having to come in the office but she thought the State had taken this computer away and had been told he could not have the

equipment but for specifics, Mr. Smith would need to be questioned. Mayor Burgess will check on this issue and this will be put on the next meeting agenda. Ms. Lynch further advised the City has said it would not enforce the wheel tax but it does stop for expired tags.

There appearing to be no further business to come before the Committee, Chairman Rodgers declared the meeting adjourned at 7:55 p.m.

JOHN RODGERS, Chairman